

ORDINANCE NO. _____, 2014

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS,
INDIANA, TO AMEND CHAPTER 2.14 OF THE COLUMBUS CITY CODE,
ANIMAL CARE SERVICES MANAGER

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the Mayor to have the Columbus Municipal Code accurately reflect the current organizational structure of Animal Care Services and address a need for an organizational shift to remove Animal Care Services from the Police Department organization.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 14 of the Columbus City Code, is hereby amended to read as follows:

Chapter 2.14
ANIMAL CARE SERVICES ~~MANAGER~~

2.14.010 General Manager.

The position of Animal Care Services General Manager shall be employed by the City of Columbus, under the supervision of the ~~chief of police~~ Mayor or the Mayor's designee with the advice of the Animal Care Services Commission. The Animal Care Services General Manager shall be authorized to employ staff and any other persons as may be necessary to carry out the purposes of this chapter ~~with the advice and consent of the chief of police.~~

2.14.020 Duties, jurisdiction and powers.

The Animal Care Services General Manager and staff shall be sworn to uphold, carry out and supervise the enforcement of this chapter within the city, unless otherwise provided. The Animal Care Services General Manager and staff shall be vested with all the powers ordinary and necessary under the law to enforce the provisions of this chapter. These duties and powers shall specifically include, but not be limited to the following:

- A. To educate the public concerning humane ethics, consequences of pet overpopulation and their responsibilities as pet owners;
- B. To maintain the physical facility known as the Columbus Animal Care Services Center which shall be operated in a humane manner in accordance with the standards set forth in this chapter and established rules and regulations;
- C. To make an annual report to the common council concerning the animal care services program within the city;
- D. To prepare and submit to the common council for approval an annual budget of funds adequate to carry out the purposes of this chapter;
- E. The power to apprehend and impound any animal that appears to be stray or at large;
- F. The power to apprehend and impound any animal that is on the owner's property without being under the owner's personal physical restraint or posing an immediate physical danger to the community. Such impoundment must be preceded by written certification by a citizen witness, or by an officer of Animal Care Services or by the police department. However, no animal shall be apprehended and impounded if the owner is available and is restraining the animal.
- G. The power to apprehend and impound any animal when the Animal Care Services General Manager or staff have probable cause to believe that the animal has been treated cruelly, inhumanely, neglected or used by the owner/agent in a fighting contest;
- H. The power to issue official warning or a notice of ordinance violation for violations of this chapter;
- I. The power to enter private real property in pursuit of an animal to enforce this chapter. In performing their duties, the Animal Care Services General Manager and staff shall be specifically prohibited from the following: entering an inhabited or locked dwelling unit without the dwelling unit owner's permission or without a warrant authorizing the entry except when apprehending and impounding an animal pursuant to subsection G of this section; carrying firearms or making arrests of human beings.

2.14.030 Compensation.

The salaries and wages of the Animal Care Services General Manager and staff shall be fixed by the mayor and approved by the common council.

2.14.040 Penalty for interference with animal care services personnel.

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any Animal Care Services personnel while that person is engaged in the execution of any duties required of the Animal Care Services Department under this chapter, shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, with the fines increasing by increments of

one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the ____ day of _____, 2014, by a vote of ____ ayes and ____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this ____ day of _____, 2014 at ____ o'clock ____m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this ____ day of _____, 2014 at ____ o'clock ____m.

Kristen Brown
Mayor of the City of Columbus, Indiana